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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re United States Patent Application of:</b>	)	<b>Docket No.:</b>	4121-170
	)		
<b>Applicants:</b>	)	<b>Conf. No.:</b>	8435
BRAUN, Klaus, et al.	)		
	)		
<b>Application No.:</b>	)	<b>Art Unit:</b>	16335
10/501,962	)		
<b>Date Filed:</b>	)	<b>Examiner:</b>	Sean McGarry
October 4, 2004	)		
<b>Title:</b>	)	<b>Customer No.:</b>	23448
CONJUGATE FOR	)		
TREATING PROKARYOTIC	)		
INFECTIONS	)		

**FACSIMILE TRANSMISSION CERTIFICATE****ATTN: Examiner Sean McGarry****Fax No. (571) 273-8300**

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Number of Pages

Steven J. Hultquist

December 22, 2006

Date

**RESPONSE TO NOVEMBER 22, 2006 OFFICE ACTION IN  
U.S. PATENT APPLICATION NO. 10/501,962**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**ATTN: Examiner, Sean McGarry**

4121-170

Sir:

This responds to the Office Action dated November 22, 2006 in the above-identified patent application.

In the November 22, 2006 Office Action, a restriction requirement has been imposed against claims 1-19 as originally filed and pending in the application, between:

- Group I claims 1-14, 18 and 19, drawn to a conjugate comprising a PNA and a transport mediator; and
- Group II claims 15-17, draw to a method for treating a prokaryote infection.

In addition, the examiner has imposed a further restriction requirement in Group I, requiring election of one peptide recited by SEQ ID in claim 5.

In response to the restriction requirement between Groups I and II, applicants hereby elect Group I claims 1-14, 18 and 19, drawn to a conjugate comprising a PNA and a transport mediator. In response to the further restriction requirement under Group I, applicant elects SEQ ID NO:25 in claim 5.

The foregoing elections are with traverse.

The Examiner has contended that the peptides listed in claim 5 lack the same or corresponding special technical feature under PCT Rule 13.1, because their properties, such as transport capabilities, vary one from another.

On the contrary, all peptides recited in claim 5 belong to the same recognized class of compounds, because each of them is a phage-holin protein that can penetrate the prokaryotic cell membrane. Such phage-holin proteins are preferred transport mediators according to the invention as defined in claim 1(a) (e.g. see the present specification, at page 4, 2<sup>nd</sup> full paragraph). Therefore, all peptides recited in claim 5 are linked by the common special technical feature of being a transport peptide for the prokaryotic cell membrane.